

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

MAURICE PETERKIN,

Defendant.

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Criminal Action No. 07-919 (JAP)

ORDER

Before the Court is Defendant's Motion to Reconsider this Court's January 20, 2009 Order denying Defendant's Motion to Suppress Evidence, on the basis that this Court "overlooked [a] certain dispositive fact as well as controlling law." (Def.'s Br.2.) The Court held a suppression hearing in this matter on September 25, 2008 and issued its ruling denying suppression from the bench on January 15, 2009.

The Court denies the instant motion for reconsideration because it did not, as alleged, fail to consider a dispositive fact in denying suppression. Rather, the Court based its ruling on suppression on the totality of the circumstances surrounding the stop, and not, as presumed by the Defendant, solely on the fact that the Defendant and Elvis Durovic made inconsistent statements. Accordingly,

IT IS on this 18th day of March, 2009,

ORDERED that Defendant's Motion for Reconsideration [Docket Entry No. 35] is **DENIED.**

SO ORDERED.

/s/ JOEL A. PISANO
United States District Judge